



**Town of Surfside  
Town Commission Meeting  
MINUTES  
August 15, 2012  
7 p.m.**

Town Hall Commission Chambers - 9293 Harding Ave, 2<sup>nd</sup> Floor  
Surfside, FL 33154

**1. Opening**

**A. Call to Order**

Mayor Dietch called the meeting to order at 7:02 P.M.

**B. Roll Call of Members**

Town Clerk, Sandra Novoa called the roll with the following members present: Mayor Dietch, Vice Mayor Karukin, Commissioner Olchyk and Commissioner Kligman

**C. Pledge of Allegiance**

Chief of Police David Allen led the Pledge of Allegiance

**D. Mayor and Commission Remarks – Mayor Daniel Dietch**

Commissioner Kligman spoke about the FPL rate increase possibility. She explained that FPL was planning to increase their rates and the Town could contest it. FPL will be having a Public Hearing in a couple of months and the Town could go to the meeting and voice objection to these increased rates, she asked the Town Manager to look into it. Town Manager Roger M. Carlton offered to provide her with a report before the next Commission meeting.

**E. Agenda and Order of Business Additions, deletions and linkages**

Commissioner Olchyk pulled items 4, 11 and 14 from the Points of Light and would like to move item 9A to be heard after the Quasi-Judicial Hearing.

Miriam Maer Acting Town Attorney announced an Executive Session for the Fraternal Order of Police bargaining on Monday, August 27, 2012 at 6:00 pm in the Town Manager's Conference Room.

Commissioner Kligman pulled items 10, 11 and 16 from the Points of Light and she would like to correct the Minutes from July 17, 2012 under Town Manager's Report, the third line under Item 9 to read "Commissioner Kligman's resolution".

Mayor Dietch wanted to clarify and read into the record that the July 17, 2012 minutes, under item 1A should read "Vice Mayor Karukin called the meeting to order".

Vice Mayor Karukin had a follow up question regarding the one-time fee or annual fee under the Customer Response Management System from July 10, 2012. Duncan

Tavares, TEDACS Director reported that there is a one-time fee of \$4,200 and an annual fee of \$3,200.

**F. Community Notes – Mayor Daniel Dietch**

Mayor Dietch announced the upcoming Town activities and events.

**G. Presentation of Florida League of Cities, Inc. Certificate to Commissioner Michelle Kligman for Completion of the 2012 Institute for Elected Municipal Officials – Mayor Daniel Dietch**

Mayor Dietch presented Commissioner Kligman with a Certificate of Appreciation for completing the Florida League of Cities 2012 Institute for Elected Officials.

Commissioner Kligman thanked Vice Mayor Karukin for encouraging her to attend. She thanked the Mayor and the Commissioners for acknowledging this and she hoped that this allows her to serve the residents of Surfside better every day.

**2. Quasi-Judicial Hearings (None)**

**3. Consent Agenda**

Vice Mayor Karukin made a motion to approve the Consent Agenda less the items that were pulled. The motion received a second from Commissioner Olchyk and all voted in favor.

- A. Minutes - July 10, 2012 – Special Commission Meeting  
July 17, 2012 – Regular Commission Meeting**

- B. Budget to Actual Summary as of May 31, 2012 – Donald Nelson, Finance Director**

**C. Town Manager's Report (Points of Light) – Roger M. Carlton, Town Manager**

Item 4, Page 24 – Commissioner Olchyk would like to have a contingency plan if by October 2012 the Town doesn't have the Bus Shelters. Town Manager Roger M. Carlton spoke on the item and explained that Miami Dade County promised to deliver them in October.

Bill Evans, Public Works Director contacts Miami Dade County every two weeks and they say that everything is on schedule to install the three (3) bus shelters in October, 2012.

Town Manager Roger M. Carlton stated that he acknowledges how frustrating this is to Commissioner Olchyk but unless the Town is willing to spend its own money we have to rely on the County. The Mayor asked for Bill Evans to prepare a monthly update regarding the status of the bus shelters.

Item 10, Page 25 – Commissioner Kligman requested an update on the FPL Undergrounding Project. Town Manager Roger M. Carlton explained that a report will be submitted to the Commission during September, 2012 and by the end of the year the administration would have a plan as to how to proceed.

Item 11, Page 26 – Commissioner Olchyk requested an update on this item. Town Attorney Miriam Maer explained that the Town has retained the services of outside Council to assist on the process with FEMA.

Commissioner Kligman asked if the residents will receive the discount for the 2012 or the 2013 bills. Town Manager Roger M. Carlton responded that the Town is looking to closure on this in Spring 2013.

Item 14, Page 26 – Commissioner Olchyk expressed her concerns on the cost of the proposed Dog Park.

Mr. Joseph Corderi spoke in favor of the item.

Item 16, Page 27 – Commissioner Kligman asked Duncan Tavares, TEDACS Director about sponsorships.

Duncan Tavares, TEDACS Director explained that he has volunteers from the Tourist Board and residents that are currently working on finding sponsors. Commissioner Kligman asked staff to come back with a detailed plan as to how the Town will get sponsorships for the Turtles.

Vice Mayor Karukin asked how much would a turtle sponsorship would cost. Duncan Tavares answered \$4,500.

**D. Town Attorney's Report** – Lynn M. Dannheisser, Town Attorney (Item deferred to September 19, 2012 Town Commission Meeting)

**E. Projects Progress Report** – Calvin, Giordano and Associates, Inc.

Commissioner Karukin made a motion to approve the pulled item. The motion received a second from Commissioner Kligman and all voted in favor.

#### **4. Ordinances**

##### **A. Second Readings (Ordinances and Public Hearing)**

- 1. Amended Legislation to Planning & Zoning/Design Review Board Requirements** – Lynn Dannheisser, Town Attorney (Item deferred to September 19, 2012 Town Commission Meeting)

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90-15 "MEMBERSHIP/QUORUM, MINIMUM QUALIFICATIONS, OFFICERS, TERMS OF OFFICERS, VACANCIES, GENERAL REGULATIONS, RECOMMENDATIONS, EXPENDITURES, INDEBTEDNESS"; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

Commissioner Kligman would like to appoint Jennifer Dray to the Planning and Zoning Board.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman and all voted in favor.

- 2. Fence Ordinance** – Roger M. Carlton, Town Manager

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90 "ZONING" AND SPECIFICALLY AMENDING SECTION 90-56.1-4 "FENCES, WALLS,**

**AND HEDGES” OF THE TOWN OF SURFSIDE CODE OF ORDINANCES PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman and all voted in favor.

**3. Adopt an Ordinance Governing Height of Ceiling and other Requirements in Parking Facilities with Elevator Lifts – Roger M. Carlton, Town Manager**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA AMENDING CHAPTER 90-77 “OFF STREET PARKING REQUIREMENTS” TO PERMIT MECHANICAL PARKING LIFTS TO BE COUNTED AS REQUIRED PARKING SPACES SUBJECT TO CERTAIN CONDITIONS; PROVIDING FOR INCLUSION IN THE CODE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Clerk Sandra Novoa read the title of the ordinance.

Commissioner Kligman made a motion to approve. The motion received a second from Vice Mayor Karukin and all voted in favor.

**B. First Readings Ordinances**

None

**5. Resolutions and Proclamations**

**A. Memorandum of Understanding for the Island Community Initiative Automatic License Plate Reader Project – David Allen, Chief of Police Page 54 - 79**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING A MEMORANDUM OF UNDERSTANDING FOR THE ISLAND COMMUNITY INITIATIVE ALPR PROJECT INVOLVING BAL HARBOUR, BAY HARBOR ISLANDS, GOLDEN BEACH, SUNNY ISLES BEACH, AND SURFSIDE POLICE DEPARTMENTS TO MONITOR ALL INGRESS AND EGRESS INTO THE FIVE ISLAND TOWNS WITH AUTOMATIC LICENSE PLATE READER (ALPR) CAMERAS AND PROVIDING FOR AN EFFECTIVE DATE.**

Item deferred by Chief David Allen.

**B. FY 11/12 Proposed Mid-Year Budget Amendment Resolution– Roger M. Carlton,  
Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING THE ANNUAL APPROPRIATIONS RESOLUTIONS ADOPTED FOR THE FISCAL YEAR OCTOBER 1, 2011 TO SEPTEMBER 30, 2012; FOR THE PURPOSE OF AMENDING THE CURRENT YEAR'S GENERAL FUND BUDGET, RESORT TAX FUND BUDGET, TRANSPORTATION FUND BUDGET, WATER & SEWER FUND BUDGET, STORMWATER FUND BUDGET, PARKING FUND BUDGET, AND SOLID WASTE FUND BUDGET UPWARD; AND OTHER BUDGETARY ADJUSTMENTS REQUIRED TO THE FISCAL YEAR ENDED SEPTEMBER 30, 2012 BUDGET; PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Roger M. Carlton presented the item.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman and all voted in favor.

**C. Seawall Inspection Condition Report and Florida Inland Navigation District (FIND) Grant Funding Opportunities – Roger M. Carlton, Town Manager**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA (“TOWN”) APPROVING ASSISTANCE UNDER THE FLORIDA INLAND NAVIGATION DISTRICT WATERWAYS ASSISTANCE PROGRAM, AUTHORIZING CALVIN GIORDANO ASSOCIATES TO PREPARE GRANT APPLICATIONS AND TO DESIGN THE PROJECT, AND PROVIDING FOR AN EFFECTIVE DATE.**

Town Manager Roger M. Carlton presented the item.

Chris Giordano from Calvin, Giordano and Associates presented the seawalls and the varying states of disrepair with a power point presentation. Mr. Giordano stated that the Florida Inland Navigation District Waterways Assistance funding program has a yearly cycle and in 23 years they have given out \$142 million in assistance. He explained that the maximum match you can receive is 50 percent. CGA's recommendation due to the age of all of the walls was to replace all 1200 linear feet of the Town's seawalls excluding the bridge to Biscaya which is in good conditions. The cost estimate to replace the seawalls will be \$960,000 and half of that funding will be requested from the Florida Inland Navigation District (FIND).

Vice Mayor Karukin asked questions as to what would be the procedure if the Town doesn't get the grant. Town Manager Roger M. Carlton explained that the item will be back in front of the Commission to decide which seawalls to do first and which funds to use. Vice Mayor Karukin asked how much would the Town be committing to. Town Manager Roger M. Carlton stated that the Town will be committing to \$81,000 of which \$12,000 would not be spent till the Town decides to construct the project.

Vice Mayor Karukin asked if CGA is the only firm that can do this project. Town Manager Roger M. Carlton answered that if the Town goes to a competitive process for a project of this size we would be back in two or three months because that is how long it would take the selection process and we will miss the funding cycle. He explained that CGA is very knowledgeable, they have already completed the preliminary study and Chris Giordano has an extraordinary relationship with the FIND people which is very important to get funded.

Commissioner Olchyk spoke in opposition to approving the \$81,000 without a competitive bidding process and she stated that a lot of people in Town are not happy with so much money going to CGA.

Mayor Dietch explained to Commissioner Olchyk that CGA had already gone through a competitive process to be selected as the engineer firm as per the Florida Statutes before this Commission was elected.

Commissioner Kligman stated that she wouldn't support this item because it is her understanding that the design project should be put out to a competitive bid process.

Town Manager Roger M. Carlton explained that the design and inspection cost is seven (7) percent of the total construction cost and if the Town goes out to bid, the Town would not find anyone less costly than seven (7) percent. He stated that the seawalls are falling down and that he stands by CGA's recommendations and if measures are not taken the Town will miss the funding cycle.

Commissioner Kligman stated for the record that she has no issues with CGA. Her issue is that they have a contract since 2006 without an end date.

Dennis Giordano, President of Calvin Giordano & Associates stated that the Town went out for General Consulting services two years ago and they submitted as other firms but if the Town would like to do it again CGA will submit. He spoke about the good job that CGA has done for the Town. He spoke about the Competitive Consultants Negotiations Act (CCNA) and the prohibition on competitively bidding price for architecture/engineering services or landscaping services. You qualify the firms when they go through the selection process then you ask the firm to supply the price proposal separately. Mr. Giordano explained that either you accept their price proposal or go to the next consultant but you can't put it out on the street to bid price. Commissioner Kligman asked the Town Manager if they can look at the firms that have been previously qualified and have each one of them propose a price and see which one comes back lower.

Mayor Dietch stated that they will have to reject the proposal that it's in front of them before they do that.

Dennis Giordano said it would not be fair because his firm's price was already known.

Ken Arnold spoke about the idea of adding a ladder by the seawalls in each street end in case someone falls they can get out.

Vice Mayor Karukin made a motion to approve. Mayor Dietch seconded the motion. Commissioner Kligman and Commissioner Olchyk voted in opposition. Motion died due to a tie vote.

Vice Mayor Karukin made a motion to bring the item back during the September 19, 2012 Regular Commission meeting because it will be a full Commission. Motion died for lack of second.

Commissioner Kligman made a motion to put the umbrella engineering services contract provided by Calvin, Giordano and Associates out to bid. Motion died for lack of second.

Commissioner Olchyk expressed that it will be a good idea to defer the item till the following Commission meeting when a new Commissioner will have the opportunity to break the tie.

Mr. Giordano offered to prepare the grant application and not charge for it unless the Town gets the grant in an amount not less than \$250,000. That would be a total of \$8,500 that the Town would not get billed until the grant is awarded.

Vice Mayor Karukin made a motion approving the resolution subject to the proffer by CGA that should the application result in an award of less than \$250,000 from FIND the grant application services with a value of \$8,500 would have been provided free of charge to the Town and until the results of the application process, the Town will not be paying that portion of the funds. The motion received a second from Commissioner Olchyk. The motion passed 3-1 with Commissioner Kligman voting in opposition.

#### **D. Comprehensive Everglades Restoration Plan Support – Mayor Daniel Dietch**

##### **RESOLUTION OF THE COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA SUPPORTING THE CENTRAL EVERGLADES PLANNING PROJECT FOR THE RESTORATION OF THE CENTRAL EVERGLADES, PROVIDING FOR AN EFFECTIVE DATE.**

Mayor Dietch presented the item and stated that he won't be voting on this item due to conflict of interest (Form 8B Memorandum of Voting Conflict is attached)

Mr. David Warfel representing Tropical Audubon Society, Inc. spoke in favor of the item.

Vice Mayor Karukin made a motion to approve. The motion received a second from Commissioner Kligman.

A parliamentary issue came up with Mayor Dietch being unable to vote in this item and Commissioner Olchyk was absent from the dais.

Interim Town Attorney Miriam Maer explained that since the Mayor abstained due to a conflict and if he decides to stay in the room he is not allowed to be counted towards a quorum.

Vice Mayor Karukin withdrew the motion due to parliamentary procedures.

Commissioner Kligman made a motion to approve. The motion received a second from Vice Mayor Karukin and all voted in favor.

#### **6. Good and Welfare**

There were no comments

**7. Town Manager and Town Attorney Reports**

Town Manager and Town Attorney Reports have been moved to the Consent Agenda – Item 3.  
N/A

**8. Unfinished Business and New Business**

None

**9. Mayor, Commission and Staff Communications**

**A. Deferral of Certain Items if a Commissioner is Absent – Commissioner Olchyk**

Commissioner Olchyk presented the item and made a motion that it will be the policy of the Town Commission that if a Commissioner based on his/her anticipated absence at the next meeting, requests in writing to defer an item related to expenditures not in the budget that said extension will be granted only for one meeting. The motion received a second from Commissioner Kligman. Commissioner Kligman made a friendly amendment that a Commissioner could ask the Town Manager in writing to request the Town Commission reconsideration on a particular item. Mayor Dietch made a friendly amendment that reconsideration must be submitted 48 hours in advance to the meeting and to the Town Manager.

Commissioner Olchyk and Commissioner Kligman accepted the friendly amendments and the final motion was that it will be the policy of the Town Commission that if a Commissioner based on his/her anticipated absence from a Commission meeting, requests to the Town Manager in writing 48 hours in advance of the meeting to defer an item related to expenditures not in the budget, that said request should be granted for only one meeting and with the Commission approval. The vote passed 4-0.

**B. Update from Miami Dade League of Cities (Verbal) – Commissioner Kligman**

Commissioner Kligman provided an update from the Miami Dade League of Cities. She mentioned that a representative from Comcast was present at the meeting and offered any parent that has their child in a public school that qualifies for free lunch could receive basic cable for \$9.99 per month.

Vice Mayor Karukin stated that Surfside is not in a Comcast area.

**C. Selection of Design for 95<sup>th</sup> Street Project: Collins Avenue to Hardpack – Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton presented the item to the Town Commission.

Bermello Ajamil presented a variety of alternatives for the Town Commission to approve.

Commissioner Olchyk asked if the funds will come from developers and not the Town. Town Manager Roger M. Carlton explained that that is the Town's intention.

Vice Mayor Karukin made a motion to authorize design 2A to go out to bid. The motion received a second from Commissioner Olchyk and all voted in favor.

Former Vice Mayor Graubart suggested that pavers could present long term maintenance issues.

Ken Arnorld spoke in support of the project.



**D. Miami-Dade Library System and Surfside Resident Library Card**

**Reimbursement** – Duncan Tavares, TEDACS Director

Duncan Tavares, TEDACS Director presented the item and explained that staff does not see any benefits to change the current system.

Staff recommends maintaining the existing reimbursement system based on state law restricting the use of cardholder's information and the complexity of controls on payments. The Town Commission accepted the recommendation.

**E. Discussion Regarding Zero-Tolerance Policy for Bullying in Town and Community Facilities (Verbal)** – Commissioner Kligman

Commissioner Kligman spoke on the item. She explained that she brought the item up to the Parks and Recreation Committee. She discussed the item and the idea of bringing a Community Forum to Surfside and showing the documentary Bullying that has been well received by educators. Her idea is to create a panel to discuss this item and the effect it has in the Town's parks and the community. She also mentioned that she previously met with members of the School Board and the principal of Ruth K. Brood School and other private schools in the area about her idea.

The item has been added as a Point of Light and Commissioner Kligman will continue to provide updates during future Commission meetings.

**F. Report on Candidate Forum (Verbal)** – Roger M. Carlton

Town Manager, Roger M. Carlton spoke on the item. There are three candidates and the Town is working with the League of Women Voters to find a moderator. The date for the candidate forum will be August 23, 2012 at 7:00 p.m.

Vice Mayor Karukin suggested reaching out to professor Robert Lee.

**G. Public Information Campaign for Charter Amendment Election** – Roger M. Carlton, Town Manager

Commissioner Olchyk would like to go from three (3) to two (2) advertisements, reduce the mailings from two (2) to one (1) and cut in half the cost to prepare announcements for Channel 77.

Vice Mayor Karukin supported Commissioner Olchyk's proposal and would like to delete the robo calls to registered voters.

Vice Mayor Karukin made a motion to approve the item not to exceed \$10,000. The motion received a second from Commissioner Kligman and all voted in favor

**H. Water/Sewer/ Storm Drainage Project History and Status** – Roger M. Carlton, Town Manager

Town Manager Roger M. Carlton presented the item.

Vice Mayor Karukin spoke on the item and stated that completing this project was the number one priority in the survey he conducted for the community. He thanked the Manager, the Staff and the Citizens Committee for taking the time to prepare the document that is in front of them.

Sergio Mavidal , the Town's Financial Advisor spoke and said that the credit should go to the Town Manager and his staff for putting together the memorandum and securing the SRF loans.

JoLinda L. Herring with Bryant Miller Olive, the Town's Bond Counsel spoke about the item.

Members of the Citizens Committee spoke on the item and the excellent public outreach that has been utilized during this project.

Fausto Gomez spoke about the potential of the State reducing the debt in the future and his intent to do the same for the Town of Surfside.

Vice Mayor Karukin made a motion to accept the report. The motion received a second from Commissioner Olchyk and all voted in favor.

**I. Northbound Street Closure for Byron Avenue (Verbal) – Roger M. Carlton, Town Manager**

Town Manager Roger M. Carlton presented the item.

Brian Kelly from CGA explained the item with a power point presentation.

After a lengthy discussion, Vice Mayor Karukin made a motion to change the road designation from urban local to a lower designation. Commissioner Kligman seconded the motion and all voted in favor.

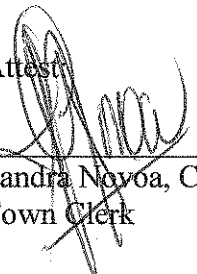
Commissioner Kligman made a motion to defer the street closure for Byron Avenue north bound until a cost estimate is provided regarding the legal fees that the Town might encounter if litigation with Miami Beach and Miami Dade County is necessary. Vice Mayor Karukin seconded the motion and all voted in favor.

**10. Adjournment**

There being no further business to come before the Commission, the meeting adjourned at 10:52 p.m.

Accepted this 9 day of September, 2012

  
\_\_\_\_\_  
Daniel Dietch, Mayor

Attest  
  
\_\_\_\_\_  
Sandra Novoa, CMC  
Town Clerk

# FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Ditch Daniel Edward</i>	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Surfside Town Commission</i>
MAILING ADDRESS <i>9372 Bym Avenue</i>	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: <input checked="" type="checkbox"/> CITY <input type="checkbox"/> COUNTY <input type="checkbox"/> OTHER LOCAL AGENCY
CITY <i>Surfside</i>	COUNTY <i>Miami-Dade</i>
DATE ON WHICH VOTE OCCURRED <i>August 15, 2012</i>	MY POSITION IS: <input checked="" type="checkbox"/> ELECTIVE <input type="checkbox"/> APPOINTIVE

## WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies equally to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing the reverse side and filing the form.

## INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which inures to his or her special private gain or loss. Each elected or appointed local officer also is prohibited from knowingly voting on a measure which inures to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent organization or subsidiary of a corporate principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

\* \* \* \* \*

### ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

\* \* \* \* \*

### APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you otherwise may participate in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

**IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:**

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on other side)

**APPOINTED OFFICERS (continued)**

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

**DISCLOSURE OF LOCAL OFFICER'S INTEREST**

I, Daniel Dieth, hereby disclose that on August 15, 2012:


(a) A measure came or will come before my agency which (check one)

- inured to my special private gain or loss;
- inured to the special gain or loss of my business associate, \_\_\_\_\_;
- inured to the special gain or loss of my relative, \_\_\_\_\_;
- inured to the special gain or loss of \_\_\_\_\_, by whom I am retained; or
- inured to the special gain or loss of \_\_\_\_\_, which is the parent organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

I am employed by CH2M Hill. CH2M Hill provides professional services to both the Army Corps of Engineers and the South Florida Water Management District. As a result, I abstained from any discussion and the vote.

August 15, 2012  
Date Filed

  
Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.